

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7775

Petition of Green Mountain Power Corporation and)
Vermont Electric Cooperative, Inc., for authority to)
condemn easement rights in property interests of Sally)
D. Caron and Nationstar Mortgage LLC, located in)
Westfield, Vermont, for the purpose of constructing)
the 46 kV transmission line portion of the so-called)
Kingdom Community Wind Project)

Order entered: 10/3/2011

PREHEARING CONFERENCE MEMORANDUM AND SCHEDULING ORDER

I convened a prehearing conference in this Docket on September 28, 2011. Appearances were entered by Sally Caron, *pro se*, Louise Porter, Esq., for the Vermont Department of Public Service ("Department"), and Joslyn Wilschek, Esq., Primmer Piper Eggleston & Cramer, PC, for Green Mountain Power Corporation ("GMP") and Vermont Electric Cooperative, Inc. ("VEC"). GMP and VEC submitted a proposed schedule and the Department agreed that it should be adopted. Ms. Caron, the owner of the property that is subject to the condemnation petition, declined to comment on the proposed schedule, and declined an opportunity to file comments on the proposed schedule at a later date.¹ Based on the agreement between the petitioners and the Department, and Ms. Caron's representations that she had no comments to offer on the proposed schedule, the following schedule is adopted for this proceeding.

1. Ms. Caron also refused to grant permission to the parties and the Hearing Officer to enter her land for the purpose of conducting a site visit after the prehearing conference. Ms. Caron also declined to participate in the site visit. The Hearing Officer and the parties that did participate viewed the proposed easement area from the road and from an adjoining property.

| DATE | EVENT |
|------------------------------------|---|
| September 29 - October 14, 2011 | Rolling discovery. Responses due within two weeks of service |
| October 21, 2011 | Landowner and Department prefile testimony |
| October 28, 2011 | Discovery requests on Landowner and Department testimony served |
| November 4, 2011 | Responses to discovery requests due |
| November 10, 2011 | Rebuttal testimony filed by all parties |
| November 17, 2011 | Discovery served on rebuttal testimony |
| November 29, 2011 | Discovery responses due |
| November 29, 2011 | Discovery complete, all written motions and stipulations due |
| Week of December 5 or 12, 2011 | Technical hearings |
| December 30, 2011 | Briefs due |
| January 13, 2012 | Reply briefs due |

The schedule is largely consistent with the recommendations of GMP, VEC and the Department. However, I have added an opportunity for the parties to serve a round of discovery requests on the rebuttal testimony that is to be filed on November 10, 2011. It is my experience that the technical hearings will be more efficient if the parties have the opportunity to serve discovery on the last round of testimony in order to bring into focus any issues that may remain in dispute.

Lastly, the parties should check their schedules and inform the Public Service Board Clerk's office as soon as possible about any scheduling conflicts during the weeks of December 5 and 12, 2011, so that a date for the technical hearings can be established. Once the Clerk's office has that information, a date for the technical hearings will be coordinated with the parties.

SO ORDERED.

Dated at Montpelier, Vermont, this 3rd day of October, 2011.

s/John J. Cotter

John J. Cotter, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: October 3, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)